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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4583 OF 2006
IN
CRIMINAL APPEAL NO. OF 2006

The State of Maharashtra ... Appellant

V/s.

Rajendra Motiram Kadam & Ors. ... Respondents

Mr.A.S. Shitole, APP, for Appellant
Mr.Lambay for Respondents

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **APRIL 24, 2007**

P.C.:

. Heard the advocates. This is an application by the State for leave to file appeal against the acquittal of the accused. The trial Court not only acquitted all the accused but also issued show-cause notices to PW2 and PW3 why criminal proceedings should not be initiated against both of them for offences under section 211 of the Indian Penal Code. The judgment is dated 28.7.2006. We had given time to enable the Investigating Officer to find out the progress in the proceedings initiated against PW2 and PW3. Even though sufficient time was granted, no official from the Ratnagiri Police station has approached the learned APP till today. Therefore, he is unable to throw any light on this aspect.

2. We heard the learned APP and the larned Advocate

for the accused. The trial Court has rightly come to the conclusion that it was a totally false and concocted case for which action was necessary against PW2 and PW3. The offences with which the respondents were charged were sections 307, 341, 147, 148 and 149 of the IPC and therefore, no interference is called for. Leave refused. Application rejected.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)